

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Erica Smith, *as natural parent and* )  
*guardian of L.J.B., a minor under the age* )  
*of eighteen (18) years,* )

Civil Action Number 9:21-3851-SAL-MHC

Plaintiff )

**OPINION AND ORDER**

vs. )

South Carolina Department of )  
Juvenile Justice, Clemson University )  
*d/b/a Camp Ghigau, Youth Learning* )  
Institute *d/b/a Camp Ghigau, Ken Banks* )  
*in his official capacity as Assistant* )  
*Director of Camp Ghigau, and David* )  
Austin Blackwell, )

Defendants. )

This matter is before the court for review of the October 3, 2022, Report and Recommendation (the “Report”) of United States Magistrate Judge Molly H. Cherry, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.). [ECF No. 16.] In the Report, the Magistrate Judge recommends this court dismiss Plaintiff’s case, without prejudice, against Defendants South Carolina Department of Juvenile Justice (SCDJJ) and Ken Banks and allow the case to proceed against Defendants Clemson University, Youth Learning Institute, and David Austin Blackwell (Served Defendants). *Id.* at 2. Attached to the Report was a Notice of Right to File Objections, which informed the parties “[s]pecific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation.” *Id.* at 3. Objections were due October 17, 2022. As of the date of this Order, no party has filed objections to the Report, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the report, ECF No. 16, and incorporates the Report by reference herein. Accordingly, the Plaintiff’s case is **DIMISSED**, without prejudice, against Defendants SCDJJ and Ken Banks. The case should proceed against the Served Defendants.

**IT IS SO ORDERED.**

March 21, 2023  
Columbia, South Carolina

/s/Sherri A. Lydon  
Sherri A. Lydon  
United States District Judge